

Amesbury Municipal Council
Tuesday, September 8, 2009
7:00 PM Town Hall Auditorium

Call to Order 7:02PM

Pledge of Allegiance – Councilor Ferguson

Roll Call: Mary Chatigny, Stephen Dunford, Anne Ferguson, Robert Gilday, Robert Lavoie, Joseph McMilleon, Allen Neale, Roger Benson

Jonathan Sherwood absent.

Accept Minutes: June 16, 2009, July 14, 2009, July 28, 2009

Councilor Chatigny motioned to accept, Councilor McMilleon second – Voted Unanimous

Licenses and Permits

2009-075 Common Victualler – Tropical Hot Dog, Town Ways

Councilor Lavoie motioned to table 2009-075 indefinitely because they have not attended three consecutive meetings, Councilor McMilleon second. Voted – Unanimous

2009-090 Common Victualler – Jaydev LLC, d/b/a Amesbury Subway, 105 Main St.

Mr. Patel attended to represent Amesbury Subway.

Councilor Ferguson motioned to accept 2009-090 change of ownership, Councilor McMilleon second. Voted – Unanimous

2009-091 Common Victualler – Amesbury Jets Football

Colleen Burnham attended to represent Amesbury Jets Football

Councilor Ferguson motioned to accept 2009-091, Councilor Neale second. Voted – Unanimous

Public Comment

Alison Lindstrom, 10 Wells Ave. – Ms. Lindstrom spoke regarding the charter changes, the reorganization of the Health Department and the \$3.5 million in stimulus funds for the Water Plant.

James Thivierge, 106 Friend Street – Mr. Thivierge spoke regarding the MCAS scores, the charter change recommendations and the annual report.

Jane Snow, Fern Ave. – Ms. Snow spoke regarding the charter changes and the Regional Health Agreement.

Claude Gonthier, 112 Kimball Rd. – Mr. Gonthier spoke regarding the charter changes.

Council Response to Public Comment

Councilor Dunford stated in response to Mr. Thivierge, the Annual Report was published on time.

Councilor Gilday stated the Ordinance Committee will continue to discuss the charter revisions.

Councilor Lavoie agreed with Councilor Gilday to continue to discuss the charter revisions and deliver a report back to the council.

Councilor Neale, responding to Ms. Lindstrom does not believe that providing other mechanisms' to deliver services already agreed upon constitutes reorganization.

Mayoral Appointments

2009-093 Francis Notorgiacomo – Landry Stadium Mgt. Committee, term to expire 6/30/12
Councilor Ferguson motioned to accept 2009-093, Councilor Dunford second – Voted Unanimous

Second Readings

Public Hearing

2009-051 Accept Fairway Drive by the public as a public way – Mayor Kezer sponsor cont.

Summary: A Vote to accept Fairway Drive for ownership by the public as a public way.

PI Bd 7/20/09 – approve w/ stipulations, Ord Comm 6/23/09 – approve w/ amendments

Nipun Jain stated the stipulation from the Planning Board to replace one dead tree has been done.

President Benson opened and closed the public hearing.

Councilor Lavoie moved that 2009-051 be approved with the Planning Board stipulations and with the amendments approved by the Ordinance Committee, Councilor Ferguson second.

Roll Call Vote – Unanimous

2009-078 Transfer \$160,000 from Ambulance Receipts – Mayor Kezer sponsor cont.

Summary: That \$160,000 is transferred from the Ambulance Receipts Fund (4120) for the purpose of purchasing a new Ambulance and/or chassis.

Fin Comm 7/28/09 – approve as submitted

Chief Jon Brickett – Chief Brickett gave an overview of the pros and cons of purchasing a new ambulance, purchasing a new chassis and using the old box or leasing a new ambulance. After looking into all the options his recommendation would be to purchase a new chassis and fit the old box on to it. He stated \$160,000 will cover all costs associated his recommendation. During the transition Merrimac will let Amesbury use their secondary ambulance so Amesbury will always have two transporting ambulances.

President Benson opened and closed the public hearing.

Councilor Chatigny motioned to approve 2009-078, Councilor Neale second.

Roll Call Vote – Unanimous

2009-060 Amend Amesbury Zoning Bylaw – Mayor Kezer sponsor cont.

Summary: Amend Section II: Definitions, Section V: Table of Use Regulations, Section VI: Table of Dimensional and Density Regulations, Section VII: Off-Street parking and Loading Regulations, Section XI.B.1: Removal of Sand, Gravel, Quarry or Earth Materials, Section XI.B.2: Earth Filling, Section XI.C: Site Plan Review and Section XI.N: Regional Commercial Zoning District (RCZD) – Special Permit Criteria

PI Bd 8/31/09 – approve as proposed.

Nipun Jain – Amesbury Town Planner – Mr. Jain gave a presentation explaining all the changes to the Amesbury Zoning Bylaw in bill 2009-060.

President Benson declared the public hearing open and closed the public hearing.

Councilor Lavoie read the recommendation of the Ordinance Committee: Councilor Lavoie moved to discharge back to the Municipal Council with a recommendation that the zoning bylaw revisions as recommended by the Planning Board on Monday, August 31, 2009 be approved as submitted by the Planning Board and that the Ordinance Committee recommend to the Municipal Council that the Municipal Council consider as a policy matter whether enhancement are needed to sec. XI.C on site plan review by XI.C.8.A.7 to add sections B & C and also whether section XI.C.8.D.4 be enhanced with new subsections 1 through 5.

Councilor Sherwood seconded and it was voted Unanimous.

Councilor Lavoie motioned to approve 2009-060 as amended by the Planning Board, seconded by Councilor Neale

Roll Call Vote – Unanimous

Recess 8:16 – 8:20PM

2009-075 Common Victualler – Tropical Hot Dog, Town Ways

President Benson explained that Mr. DeLima from Tropical Hot Dog arrived late. Councilor Ferguson motioned to reconsider 2009-075, Councilor Lavoie second – Voted Unanimous

President Benson recused from 2009-075.

Mr. DeLima explained that they would like to run a hot dog trailer at Route 110 Getty.

Councilor Chatigny motioned to approve 2009-075 with the usual stipulations, Councilor McMilleon second. Voted – Unanimous

2009-083 A Request that the Municipal Council vote to place on the November 3, 2009 ballot revisions to the Amesbury Home Rule Charter – Mayor Kezer sponsor cont.

Summary: Revisions to the Amesbury Home Rule Charter as recommended by the Amesbury Charter Commission, which include revisions by the Mayor

Councilor Lavoie motioned to table 2009-083 to the October 13th Council meeting, Councilor McMilleon second. Voted Unanimous

2009-085 Request to accept a transfer of property located at 76 Macy Street from Mass Highway – Mayor Kezer sponsor cont.

Summary: The parcel is necessary for storm water control resulting from the proposed Mass Highway Route 110 widening project. It is located on the northerly side of Route 110 between Dunkin Donuts and Route 495. The area adjacent to Route 110 will be excavated for storm water management and will be owned by Mass Highway. The remainder of the property will be donated to the city for the purpose of establishing conservation land, allowing the project to meet DEP wetland riverfront regulations.

Councilor Lavoie motioned to table 2009-085 to the October 13th meeting, Councilor Neale second. Voted – Unanimous

10. First Readings

2009-092 Accept a \$2,500 grant from the MA Board of Library Commissioners, with a \$500 city match – Mayor Kezer sponsor

Summary: The \$2,500 grant from the MA Board of Library Commissioners is for the Amesbury Library Services & Technology Act Preservation Survey Program to fund institutional preservation surveys in order to stimulate the analysis of collections in libraries having local, state, regional or national significance. The match funds will come from the Friends of the Library or trust fund allocations.

Councilor Dunford motioned to refer 2009-092 to the Finance Committee and to the Board of Library Trustees, Councilor Ferguson second. Voted - Unanimous

2009-097 Appropriate \$850 to Dept. 610 Library in order to maintain the minimum appropriation requirement – Mayor Kezer sponsor

Summary: This appropriation to the FY2010 Library Budget is required in order to maintain the Library's minimum appropriation requirement as set by the Commonwealth of Massachusetts

Councilor Dunford motioned to refer 2009-097 to the Finance Committee for a Public Hearing, Councilor Chatigny second. Voted – Unanimous

2009-094 A three year inter-municipal agreement with Salisbury for health inspection, animal control and public health nurse services – Mayor Kezer sponsor

Summary: This authorization will allow the Mayor to share resources with Salisbury in order to provide both communities with health inspections, animal control services, and public health nurse services at a lower cost than supplying these services separately.

Councilor Lavoie motioned to refer 2009-094 to the Finance Committee and Ordinance Committee, Councilor Dunford second. Voted - Unanimous

2009-095 An Order to authorize Route 150 right-of-way taking – Mayor Kezer sponsor

Summary: Route 150 takings and alteration of layouts to allow the Massachusetts Highway Dept. to reconstruct Route 150 from School St. to Rt. 110.

Councilor Lavoie motioned to refer 2009-095 to the Finance Committee, Ordinance Committee and the Planning Board, Councilor McMilleon second. Voted - Unanimous

11. Correspondence

a. President/Vice President Communications

2009-096 August Grant Awards

Councilor Lavoie read 2009-096 into the record.

\$5,000 Trailblazers Award from the National Center for Civic Innovation

b. Communication from Elected Officials, Boards and Commissions

Board of Registrars discussion regarding the December 8th Election

Bonnijo Kitchin stated the Governor has ordered a primary election on December 8th and a special election on January 19, 2010 to fill Senator Kennedy's seat. The December 8th Municipal Council

election will have to be re-scheduled. President Benson re-scheduled the December 8th Council meeting to December 1st.

2009-089 Resignation of Christine Johnson from the Board of Library Trustees – a vacancy with a term to expire in 2011

Councilor Lavoie motioned to declare the seat of Christine Johnson vacant, Councilor McMilleon second. Voted - Unanimous

c. Council Communications, Announcements and Committee Reports

Codification Committee – Councilor Lavoie stated the preliminary work is done and is being sent back to the consultant the town hired.

Councilor Ferguson motioned to adjourn, Councilor Dunford second.

Adjourn 8:43PM

Respectfully submitted,
Assistant Town Clerk